

# HUNTING - FISHING - TRAPPING - WILD LANDS & WILDLIFE PROTECTION

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The Montana Department of Fish, Wildlife and Parks is charged with the regulation of fishing, hunting, trapping and wildlife protection and issues all hunting, trapping and fishing permits and licenses in Montana. The department also issues permits for commercial activities involving free-ranging wildlife and/or captive bred and privately owned wildlife. The only exceptions are aerial hunting permits for predators (Montana Department of Livestock, see below) and licenses for outfitters and professional guides (Montana Department of Labor and Industry, see p. 75).

The Montana Fish, Wildlife and Parks Commission establishes hunting and fishing seasons and restricts hunting, trapping and fishing in certain areas.

Depending on the type and location of an activity, more than one permit may be required. Please check all sections that may apply to a proposed activity and contact the appropriate state agency.

## COMMERCIAL ACTIVITIES

### AERIAL HUNTING OF PREDATORY ANIMALS

#### 1. Types of Activities Regulated

An individual planning to conduct an aerial hunt must first obtain a permit from the Montana Department of Livestock (DOL), with the exception of 1) government employees acting within the scope of their employment, or 2) resident landowners hunting on their own property who have followed the notification requirements of the DOL.

Statute: 81-7-101, 501 and 505, MCA

Contact: DEPARTMENT OF LIVESTOCK  
*Predator Control*

#### 2. Application Requirements

To obtain an aerial hunting permit, an applicant must complete the required forms available from the DOL. The permit must show the species of predator and the geographic areas that will be hunted. Permits will be issued only to individuals resident and living in Montana. Nonresident permits may be authorized by the Board of Livestock. Applicants must also be currently licensed as pilots by the Federal Aviation

Administration (FAA), must minimally have a private pilot's license and 200 flying hours and the applicant and their aircraft must meet FAA and Montana Department of Transportation requirements.

Rule: ARM 32.22.102

Contact: DEPARTMENT OF LIVESTOCK  
*Predator Control*

DEPARTMENT OF TRANSPORTATION  
Aeronautics Division

### 3. Fees

The DOL issues permits valid for a period of one to three years. Permit fees are \$30 for less than one year, \$40 for one to two years and \$50 for two to three years. The DOL may also issue self-renewing multiple year permits dependant upon compliance with the rules and state law.

Rule: ARM 32.22.103

## ALTERNATIVE LIVESTOCK RANCHES/GAME FARMS

### 1. Types of Activities Regulated

A person may not operate an alternative livestock ranch in Montana without a license obtained from the Montana Department of Fish, Wildlife and Parks (FWP) prior to November 7, 2000. The license must be renewed annually and expires March 1 of each year. No new licenses may be applied for or granted. Existing alternative livestock ranches must comply with all applicable laws and rules administered by the Montana Department of Livestock (DOL) relating to marking, inspection, importation and interior facilities, transportation and health of the animals. See also ROADSIDE ZOOS - POSSESSION OF WILD ANIMALS, p. 77.

Statute: 87-4-406, *et seq.*, MCA

Rule: ARM 12.6.1520, *et seq.* (licensing)  
ARM 32.4.101, *et seq.* (marking, inspection and animal health)  
ARM 32.4.1301, *et seq.* (chronic wasting disease)

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS  
Enforcement Division

DEPARTMENT OF LIVESTOCK  
Animal Health Division

**2. Renewal Fees**

Number of Animals	Renewal Fee
1 to 20 animals	\$100
21 to 60 animals	\$200
More than 60 animals	\$400

Statute: 87-4-411, MCA

The DOL may also assess a fee, not to exceed \$50, for each alternative livestock imported into the state.

**3. Additional Information**

Licensees must keep and maintain for three years written records of all alternative livestock purchases, transfers, sales, births and deaths. The information must be reported to the FWP as scheduled.

An alternative livestock ranch license for a specific facility is not transferable.

The shooting of game animals or alternative livestock for a fee or other compensation on an alternative livestock ranch is not allowed.

Statute: 87-4-414 and 417, MCA

**COMMERCIAL FISHING**

**1. Types of Activities Regulated**

A permit is required from the Montana Department of Fish, Wildlife and Parks (FWP) to harvest fish for sale or commercial purposes. Commercial harvest of whitefish by anglers with hook and line or rod may be authorized in waters specified by the Fish, Wildlife and Parks Commission. The taking of whitefish by seine or net is restricted to the Kootenai River and portions of its tributaries, requires a \$1,000 bond and is regulated by the Commission.

Statute: 87-3-204 and 87-4-601, MCA

Rule: ARM 12.7.101

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS  
Fisheries Division

## **2. Application Requirements**

An applicant for a commercial fishing license must submit their name and address, information about the waters they plan to fish, the types of fish harvested and the equipment that will be used. There are three classes of permits for commercial fishing: Class A for taking all nongame species designated by the FWP for commercial purposes, Class B for taking all designated nongame species except smallmouth buffalo and largemouth buffalo and Class X to be granted for one year only to take specific nongame species on an experimental basis.

Rule: ARM 12.7.101 and 103

## **3. Permitting Procedures**

The FWP requires permittees to keep records of operations relating to the taking, sale or disposal of fish and to submit records within 30 days following the end of each month. All species not authorized in the permit must be released alive and unharmed to their originating waters. The department may impose special conditions regarding gear, limits, seasons and closures, etc., on any water. Existing anglers receive priority for retaining existing permits.

Rule: ARM 12.7.102, 104 and 105

## **4. Fees**

The fee for a Class A permit is \$500 and for a Class B permit, \$200. There is no charge for a Class X permit.

Rule: ARM 12.7.103

## **FIELD TRIAL PERMIT**

### **1. Types of Activities Regulated**

A permit from the Montana Department of Fish, Wildlife and Parks (FWP) is required to conduct a field trial to determine if a dog can point, flush or retrieve game birds.

Statute: 87-4-915, MCA

Rule: ARM 12.6.1606

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS  
Enforcement Division

### **2. Application Requirements**

To obtain a field trial permit, an applicant must submit a written application on a form provided by the FWP. The application must include the applicant's name and address, the name and address of any national affiliate, the location of the proposed field trial, whether live birds will be used and any other related information requested by the FWP.

### **3. Permitting Procedures**

The application must be presented 20 days or more before the date of the proposed trial. The FWP director may deny the permit if it is determined that approving the application is not in the best interests of the protection, preservation, propagation and conservation of game birds in the state. If denied, a notice must be mailed to the applicant within 10 days of receipt of the application and must state the reasons for the denial.

### **4. Additional Information**

If an application is granted, the applicant must flush all wild game birds from fields used for the field trial each day before the trial begins. Dogs are not permitted to run free in fields that have not been carefully flushed.

All live game birds used in a field trial must be tagged before being planted or released. Birds may only be planted and released in the presence of a FWP representative. If an untagged bird is shot, the permit holder must immediately replace it with a live bird.

## **FISH FARMS OR HATCHERIES**

### **1. Types of Activities Regulated**

The Montana Department of Environmental Quality (DEQ) may inspect a fish farm or hatchery and designate the facility as a concentrated aquatic production facility based on whether or not the facility significantly contributes to the pollution of state waters and meets the criteria in Appendix C of 40 C.F.R., part 2. If the facility meets the criteria for the designation it is subject to the permitting requirements of the DEQ's wastewater permitting program. (See MPDES Permits, p. 185.)

The director of the Montana Department of Fish, Wildlife and Parks is responsible for the construction and control of state fish hatcheries.

Statute: 75-5-401 and 87.3.201, MCA

Rule: ARM 17.30.1331

Contact: DEPARTMENT OF ENVIRONMENTAL QUALITY  
Permitting and Compliance Division  
Water Protection Bureau

DEPARTMENT OF FISH, WILDLIFE AND PARKS  
Director's Office

## **FISH PONDS**

### **1. Types of Activities Regulated**

A permit is required from the Montana Department of Fish, Wildlife and Parks (FWP) to stock fish in a pond. The permit entitles the holder to stock the pond with fish from a lawful source. Permits are issued for a 10-year period.

A commercial pond license is required to sell fish, eggs or fry from a private pond. The permit holder must furnish a \$500 surety bond conditioned to the effect that the licensee will not sell fish or spawn from public waters or violate the conditions of the license. Commercial pond licenses are issued for one year.

Statute: 87-4-603, MCA

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS  
Fisheries Division

## **2. Application Requirements**

An applicant for an instream private fish pond must provide reliable information to the FWP to verify that the tributary, spring or stream does not support game fish or species of special concern and does not pose an unacceptable risk to these species in adjacent waters.

A commercial pond licensee must keep accurate records of the species and quantities of fish or eggs sold or purchased, the dates of sale or purchase, the names of purchasers or sellers and the locations to or from which fish or eggs were transferred. The licensee must report to the FWP annually.

## **3. Permitting Procedures**

The FWP will designate the species of fish that may be stocked and may require measures to prevent fish from escaping into adjacent waters. If ownership or control of the fish pond changes, the new owner or operator must apply for a license transfer. A private pond license expires on February 28th of the 10th year. Commercial pond licenses expire on February 28th of each year. Licenses must be renewed before they expire.

A license may be revoked for failure to operate or use the pond according to the terms of the license or state statutes, rules or orders covering importation, transportation, or introduction of fish or eggs.

Statute: 87-4-606 and 607, MCA

## **4. Fees**

The application fee is \$10.

## **5. Additional Information**

The FWP may, under reasonable conditions and after notifying the landowner, inspect the pond for illegally stocked fish or diseases. Also, the license holder may request an inspection by the department.

## **FISHING DERBIES OR TOURNAMENTS**

### **1. Types of Activities Regulated**

A permit from the Montana Department of Fish, Wildlife and Parks (FWP) is required to offer or give a prize, gift or anything of value for the taking of any fish that is protected by the state. An event with an entry fee or where 30 or more people are expected to compete for prizes or cash worth \$500 or more for the capture of an individual fish or combination of fish must be permitted.

Statute: 87-3-121, MCA

Rule: ARM 12.7.801

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS  
Fisheries Division

### **2. Application Requirements**

An individual or organization that plans to sponsor a fishing contest on waters open to public fishing must submit an application to the FWP prior to July 1st for ice fishing contests and prior to November 1st for open waters contests. A fishing contest application will be evaluated based on 1) the impacts on fish populations, the aquatic ecosystem and the immediate area; 2) the compatibility with fish management objectives for the water; 3) purse or participation limits (limits may or may not be imposed based on public comment); 4) conflicts with other contests proposed or approved; and 5) compliance with reporting requirements for previously sponsored events.

Rule: ARM 12.7.802-804

### **3. Permitting Procedures**

Once the application is received, the FWP will provide an opportunity for public comment. For competing applications, the department will approve applications that offer the best opportunities for public benefits, have been approved historically, have had good participation and have a good record of compliance. The FWP will approve, approve with modifications or deny the application by February 1st for open water contests and by October 1st for ice fishing contests.

The sponsor of a fishing contest must submit a report to the FWP within 30 days after the contest. The report must include the number of participants, the number of fish caught, the length and weight of the winning fish, or the average length and aggregate



weight of the winning fish and the number of fish caught and released. The department may require more detailed catch information.

Rule: ARM 12.7.804-806

## **FUR DEALERS**

### **1. Types of Activities Regulated**

A person, firm or corporation that buys, sells, trades or deals in skins or pelts of furbearers or predators must secure a fur dealer's license from the Montana Department of Fish, Wildlife and Parks. The license is issued annually and expires April 30th of each year.

Statute: 87-4-301, 303 and 305, MCA

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS  
Enforcement Division

### **2. Fees**

The license fee for a resident fur dealer is \$10 and for a fur dealer's agent (buyer), \$10. The fee for a nonresident fur dealer's license is the same as the fee charged for a nonresident fur dealer's license in the applicant's state of residence. If the nonresident's state does not issue a nonresident fur dealer's license, the fee is \$50.

Statute: 87-4-304, MCA

## **FUR FARMS**

### **1. Types of Activities Regulated**

No person may own, control or propagate furbearers for sale or sell furbearers or the parts of furbearers unless they hold a current fur farm license issued by the Montana Department of Fish, Wildlife and Parks. The license is issued annually and expires January 31st of each year.

Statute: 87-4-1002 and 1005, MCA

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS  
Enforcement Division

## **2. Application Requirements**

An applicant for a fur farm license must submit a written application to the FWP which includes the person's name and address, the species of furbearers and any plans for propagation, the legal description of the land, the type of fence for enclosure and the source of the furbearers. The license expires on January 31st following the date issued.

A fur farm license will only be issued to a responsible applicant who owns or leases the premises where the operations will be conducted. A nonresident fur farm owner must have a resident agent who is responsible for the daily operations of the fur farm and who is authorized by the nonresident owner to receive service of process.

Statute: 87-4-1003, MCA

## **3. Permitting Procedures**

Within 30 days of receiving the application, the FWP must notify the applicant of its decision to approve or deny the application. If the application is denied, the department must specify the reasons for the denial.

## **4. Fees**

The initial fee for a fur farm license is \$25 and the renewal fee is \$15.

Rule: ARM 12.6.1701

## **GAME BIRD FARMS**

### **1. Types of Activities Regulated**

No person may own, control or propagate game birds unless they hold a current game bird farm license issued by Montana Department of Fish, Wildlife and Parks (FWP) with the exception of 1) a person who possesses game birds but does not sell the birds and who is provided written authorization from the FWP, or 2) a person who has a migratory game bird avicultural permit (see p. 90). The license expires on January 31st following the date issued.

Statute: 87-4-901 through 916, MCA

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS  
Enforcement Division

## **2. Application Requirements**

An applicant for a game bird farm license must submit an application to the FWP that includes that person's name and address, the species of game bird and plans for its propagation, the legal description of the proposed game bird farm location, the type of fence or enclosure and the source of the game birds. If the applicant is a nonresident owner, they must provide the name and address of a local resident agent. The resident agent must be responsible for the daily operation of the farm and be authorized by the nonresident owner to receive service of process.

A game bird farm license will only be issued to a responsible applicant who owns or leases the premises where the operations will be conducted and who has properly fenced or otherwise enclosed the area.

## **3. Permitting Procedures**

Within 30 days of receiving the application, the FWP must notify the applicant of its decision to approve or deny the permit. If the application is denied, the department must specify the reason for denial.

## **4. Fees**

The initial fee for a game bird farm license is \$25 and the renewal fee is \$15.

Rule: ARM 12.6.1601

## **OUTFITTERS AND GUIDES**

### **1. Types of Activities Regulated**

An individual who intends to provide services as an outfitter, guide or professional guide must obtain a license from the Montana Department of Labor and Industry, Board of Outfitters.

A guide or professional guide works under the supervision of a licensed outfitter. An outfitter may not hire a guide or professional guide who does not hold a valid license. Licenses for outfitters must be renewed by December 31st each year and guides and professional guides are licensed throughout the year.

Permission and any needed permits from landowners (private, state or federal) must be provided to the Board before an individual is licensed, or if licensed, immediately on receipt.

Statute: 37-47-101(8), 301 and 308, MCA

Rule: ARM 24.171.401 *et seq.*

Contact: DEPARTMENT OF LABOR AND INDUSTRY  
Business Standards Division  
*Board of Outfitters*

## 2. **Application Requirements**

First Time Outfitter License: An applicant for an outfitter's license must file a completed license application, meet the qualifications and experience requirements, have a complete operations plan on file with the Board office, pass the required examinations, receive an approved equipment inspection and, if applicable, file a Net Client Hunter Use application. If the application is denied, the Board will notify the applicant of the denial and the reasons for the denial. If the deficiencies are corrected, a license will be issued on reapplication.

Guide or Professional Guide: An applicant for a guide's or professional guide's license must meet the qualifications designated by the Board of Outfitters and submit a completed license application. Applicants must be at least 18 years old; be endorsed and recommended by an outfitter with a valid license, unless otherwise qualified under standards established by the Board; and have been issued a valid conservation license. The applicant must also provide current proof of first aid certification.

Statute: 37-47-302 through 308, 311 and 341, MCA

Rule: ARM 24.171.501 *et seq.* and 24.171.603

## 3. **Fees**

The Board charges fees for new, amended and renewed licenses; operations plans and plan amendments; number of clients served each year; and for hunting camps added after January 1, 1999, to support the licensing program. Please check the statutes and rules for fee amounts or contact the Board.

Statute: 37-1-134, 37-47-306 and 318, MCA

Rule: ARM 24.171.401

#### 4. Additional Information

Net Hunter Use: A *net client hunter use* designation is assigned to each licensed outfitter based on the most actual clients served by an outfitter in a year no later than December 31, 1995. An outfitter may not expand net hunter use without first receiving approval from the Board of Outfitters.

Statute: 37-47-201, 316 and 317, MCA

### ROADSIDE MENAGERIES - WILD ANIMAL MENAGERIES - ZOOS - POSSESSION OF WILD ANIMALS

#### 1. Types of Activities Regulated

- A. A permit is required from the Montana Department of Fish, Wildlife and Parks (FWP) for the following:

❶ **Roadside menageries** that keep one or more wild animals, birds or reptiles in captivity to exhibit or attract trade. Exhibits by educational institutions or a circus based outside of Montana are not included.

❷ **Wild animal menageries** where one or more large bears or cats are kept in captivity for use other than public exhibition.

❸ **Zoological gardens** operating as nonprofit corporations or accredited by the American Zoo and Aquarium Association and operating for the purpose of exhibiting wild animals.

Permits expire on December 31st and may be renewed by paying an annual fee and submitting a renewal application. Renewal applications for all roadside menageries and wild animal menageries must include an accounting of all wild animals on the facility.

- B. It is unlawful to possess a skunk, fox, raccoon or bat except as part of a fur-bearing enterprise, zoo or for scientific research.

Statute: 87-4-801 through 804, MCA  
50-23-102, MCA

Rule: ARM 12.6.1301-1309

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS  
Enforcement Division (menageries and zoos)

DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES  
Health Policy and Services Division  
Communicable Disease Control and Prevention Bureau  
(possession of foxes, skunks, bats or raccoons)

## **2. Application Requirements**

An application for a roadside menagerie, wild animal menagerie or zoo permit is submitted by completing forms provided by the FWP. No permit will be issued until the department verifies that the animals will be cared for and the public protected. No permit may be issued or renewed for a roadside menagerie until it is covered by an insurance policy to cover accidents on the premises.

Statute: 87-4-803, MCA

Rule: ARM 12.6.1308

## **3. Fees**

The annual permit fee for five or fewer animals is \$10. The annual fee for more than five animals is \$25.

Statute: 87-4-803, MCA

## **SEINING**

### **1. Types of Activities Regulated**

A permit is required from the Montana Department of Fish, Wildlife and Parks to seine for or otherwise capture any nongame bait fish in lakes, streams or other bodies of water (except licensed private ponds) for sale or commercial purposes or to transport these bait fish within the state. Carp, goldfish and rainbow smelt may not be harvested or used as bait fish. Seining nets may not exceed 12 feet by four feet.

Statute: 87-3-203 through 205 and 87-4-602, MCA

Rule: ARM 12.7.201

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS  
Fisheries Division  
Regional Offices

## **2. Application Requirements**

The applicant for a commercial seining license must submit a form provided by the FWP stating their name and address, the waters desired for seining and the purpose for which the bait fish are being seined. Licenses expire on December 31st.

Rule: ARM 12.7.201-202

## **3. Fees**

The fee for a commercial seining license is \$10.

Rule: ARM 12.7.201(2)

## **4. Additional Information**

Bait fish may not be imported into or exported from the state of Montana for commercial or other purposes by a licensee or other person unless permitted by the FWP.

It is unlawful to transport live fish away from the body of water from which the fish were taken unless the transporter is a licensed commercial seining operator or within the boundaries of the Eastern Montana Fishing District.

Statute: 87-3-111, MCA

Rule: ARM 12.7.201(5)

## **SHOOTING PRESERVES**

### **1. Types of Activities Regulated**

The Montana Department of Fish, Wildlife and Parks (FWP) issues licenses or permits for any person, partnership, association or corporation for operating a shooting preserve. All persons hunting on shooting preserves must have a valid resident or nonresident upland game bird license or a three day nonresident shooting preserve bird hunting stamp. Game that may be artificially propagated and hunted on a preserve is limited to ring-necked pheasants with no color mutations, chukar partridges, Hungarian

partridges, Merriam's turkeys and other species designated by the FWP. The season for shooting preserves is September 1st through March 31st. Licenses are issued annually and expire March 31st each year.

Statute: 87-2-404, 87-4-501 through 504 and 522, MCA

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS  
Enforcement Division

## **2. Criteria**

Each shooting preserve is restricted to not more than 1,280 contiguous acres. No preserve may be located closer than 10 miles from another preserve or in areas that will substantially reduce hunting areas available to the public. The exterior boundary of each shooting preserve must be clearly defined and posted with signs placed around the extremity at intervals of 250 feet or less.

Statute: 87-4-502, MCA

## **3. Additional Information**

All artificially propagated upland game birds released must be at least 14 weeks of age and must be marked prior to release in a manner that distinguishes them from wild birds. All harvested game must be tagged prior to removal from or consumption on the premises. The FWP will furnish self-sealing pheasant tags to licensed shooting preserve operators for 10 cents each.

Statute: 87-4-522 and 525, MCA

Rule: ARM 12.6.1201

## **4. Fees**

Fees for shooting preserve operating licenses or permits are \$100 per year for the first 320 acres of shooting preserve area plus \$40 per year for each additional 160 acres or portions thereof.

Statute: 87-4-503, MCA



**TAXIDERMMY****1. Types of Activities Regulated**

A person in the business of making mounts of, preserving or preparing dead bodies of wildlife or its parts must have a license from the Montana Department of Fish, Wildlife and Parks. A written record must be kept of all wildlife in the licensee's possession or control. The record should include information on who owns the wildlife, the kind and number of species, all articles of wildlife shipped and to whom and where shipped. A state game warden may inspect the records of a taxidermist at any reasonable time. Licenses are issued annually and expire April 30th each year.

Statute: 87-4-201, MCA

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS  
Enforcement Division

**2. Fees**

A taxidermy license is \$50.

**WILDCRAFTING****1. Types of Activities Regulated**

A person or organization collecting or transporting wild plant material for commercial purposes must have in their possession a bill of sale, a signed permission form or a permit from the landowner of the property from which the plants are taken. Another permit issued by a land management or government agency may be valid in lieu of the wildcrafting permit. A permit or written permission are not required for a landowner to harvest wild plants on their own land or for a person to collect the amount of plant material that the landowner or other jurisdictional entity determines is for incidental or personal use.

Statute: 76-10-101, *et seq.*, MCA

Contact: PROPERTY OWNER

DEPARTMENT OF NATURAL RESOURCES AND  
CONSERVATION

Trust Land Management Division; or

FEDERAL LAND MANAGEMENT AGENCY

## **2. Application Requirements**

The written permission form or permit must include the beginning and end dates for which the permission or permit are valid; basic information about the landowner, the permit or permission holder and the plants that will be wildcrafted; a description of the location of the activity; and the license plate number of the vehicle used for wildcrafting.

## **3. Additional Information**

A buyer of wildcrafted plant material must keep records with specific information outlined in state law about purchases or acquisitions for three years.

Statute: 76-10-105, MCA

# **FISHING, HUNTING AND TRAPPING LICENSES**

## **1. Types of Activities Regulated**

All persons wishing to pursue, hunt, trap, take, shoot or kill any game animal, game bird or fur-bearing animal must have a license from the Montana Department of Fish, Wildlife and Parks.

Statute: 87-2-103, MCA  
87-2-301, *et seq.*, MCA (fishing licenses)  
87-2-401, *et seq.*, MCA (game bird licenses)  
87-2-501, *et seq.*, MCA (game animal licenses)  
87-2-601, *et seq.*, MCA (trapping licenses)  
87-2-701, *et seq.*, MCA (special licenses)

Rule: ARM 12.3.104-175 and 402-406

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS  
Administration and Finance Division

## **2. Application Requirements**

An applicant for a hunting, fishing or trapping license must first acquire a wildlife conservation license. Wildlife conservation, hunting, trapping or fishing licenses can be obtained at a private sector license agent, at Montana Department of Fish, Wildlife and Parks' offices or online at <http://www.fwp.mt.gov>. Annual hunting and fishing licenses expire on the last day of February and trapping licenses on the last day of June.

Statute: 87-2-106 and 201, MCA

### **3. Permitting Procedures**

General hunting and fishing licenses are issued at the time of application. Special hunting licenses are issued via a random computer drawing process. Applications for moose, sheep and goat licenses must be completed by May 1st and applications for deer, elk and antelope licenses must be completed by June 1st. Nonresident combination big game licenses are limited and are issued on a first-come, first-served or drawing basis with an application deadline of March 15th.

### **4. Fees**

Fees vary according to the type of license issued. Contact the FWP.

### **5. Criteria**

All applicants are eligible if they meet residence, hunter safety instruction and age requirements. Licenses and permits must be in the person's possession at the time of the activity.

## **FISHING, HUNTING AND TRAPPING REGULATIONS**

### **1. Types of Activities Regulated**

Certain fishing, hunting and trapping regulations are established annually by the Montana Department of Fish, Wildlife and Parks (FWP) depending on a number of factors: the current population of a species, climatic conditions, etc. Check with the FWP for the latest requirements for a specific area or species.

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS  
Enforcement Division

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The following items or activities are among those regulated by the FWP.

Activity or Item	Statute or Rule
Aerial herding permits	87-3-126(4), MCA ARM 12.6.2301-2310
Aerial hunting/hunting from boats	87-3-126, MCA
Big game hunting	87-3-301 through 307, MCA
Buying, selling, possessing or transporting fish or game	87-3-111, MCA
Commercial taking of fish or aquatic organisms	87-4-609 and 610, MCA
Fish hatcheries	87-3-201, MCA
Holding fish	87-3-207 and 208, MCA ARM 12.7.301
Ice fishing shelters	ARM 12.6.101-108
Importation or introduction of fish and wildlife	87-3-105, MCA
Importation of salmonid fish or eggs	87-3-210 and 221, MCA
Migratory game birds	87-2-411, MCA
Number of game animals killed	87-3-103, MCA
Package labeling	87-3-114, MCA
Private ponds	87-4-603 and 607, MCA
Sale of fish or eggs	87-4-601, MCA
Scientific collector's permit	87-2-806, MCA
Seining or netting fish	87-3-205, MCA
Spotlighting	87-3-101(3), MCA
Snare trapping	87-3-107, MCA
Urban wildlife	87-3-305, MCA
Use of dogs for hunting	87-3-124, MCA

Activity or Item	Statute or Rule
Use of fish as bait	87-3-203, MCA
Use of explosives or poisons for fishing	87-3-206, MCA
Wasting fish or game	87-3-102, 506, MCA
Waterfowl hunting	87-2-411, MCA

## WILDLIFE PROTECTION

### AERIAL HERDING PERMIT

#### 1. Types of Activities Regulated

A property owner experiencing damage to their property or crops may apply for an aerial herding permit from the Montana Department of Fish, Wildlife and Parks (FWP) that allows the owner to use an aircraft or helicopter during certain times of the year for the purpose of herding, driving or hazing wild animals. The permit may be conditioned to address the individual circumstances of each application.

#### 2. Application Requirements

To obtain an aerial herding permit, the applicant must submit a completed form to the FWP, written concurrence from affected property owners and any other information requested by the department. Aerial herding authorized under a permit may not occur from May 1 to July 15 and for 1 week prior to and during the hunting season for the species being herded.

Statute: 87-3-126(4), MCA

Rule: ARM 12.6.2301-2310

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS  
Enforcement Division

## **CAPTIVE BREEDING OF RAPTORS**

### **1. Types of Activities Regulated**

The Montana Department of Fish, Wildlife and Parks (FWP) requires a permit for the captive breeding of raptors. The department may grant a permit whether or not the permittee is a licensed falconer. See also WILD BIRD PERMITS, p. 94 and NONGAME AND ENDANGERED SPECIES, p. 90.

Statute: 87-5-210, MCA

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS  
Enforcement Division, or;

FISH, WILDLIFE AND PARKS COMMISSION

### **2. Application Requirements**

A person wishing to apply for a captive breeding permit must submit an application on a form provided by the FWP. Applications must be accompanied by a copy of a current federal captive breeding permit. Permits are issued annually and expire on December 31st.

Rule: ARM 12.6.1401

Contact: U.S. FISH AND WILDLIFE SERVICE  
Regional Office, Denver, CO  
Permits Division

### **3. Fees**

The state fee for a captive breeding permit is \$20.

Rule: ARM 12.6.1401

### **4. Additional Information**

Captive raptors must be banded with a numbered, nonreusable marker provided by the U.S. Fish and Wildlife Service. Permit holders must notify the FWP within five days from the day the first raptor egg is laid.

Rule: ARM 12.6.1403 and 1404

## **FALCONRY PERMIT**

### **1. Types of Activities Regulated**

A permit is required from the Montana Department of Fish, Wildlife and Parks (FWP) for a Montana resident to practice the sport of falconry. A permit is also required from the United States Fish and Wildlife Service before any person may take, possess, transport, sell, purchase, barter, offer to sell, purchase or barter raptors for falconry purposes. There are three classes of falconry permits with different requirements and allowances: apprentice, general and master. Permits are valid for up to three years and expire on April 30 of every third year. Permits are renewable and nontransferable. See also WILD BIRD PERMITS, p. 94, and CAPTIVE BREEDING OF RAPTORS, p. 86.

Statute: 87-5-204,MCA

Rule: ARM 12.6.1103, 1119 and 1120

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS  
Enforcement Division

### **2. Application Requirements**

Applicants must pass an examination administered by the FWP. Before a permit is issued, the department inspects the raptor housing equipment and facilities.

The bald eagle and any species listed under the state or federal endangered species acts may not be captured in Montana for the sport of falconry.

Statute: 87-5-205,MCA

Rule: ARM 12.6.1109 and 1121

### **3. Fees**

The application fee for a state falconry permit is \$25. The application fee for a federal falconry permit (also required) is \$100.

## **GAME PRESERVES**

### **1. Types of Activities Regulated**

It is unlawful for a person to hunt for, trap, capture, kill or take game animals, fur-bearing animals or birds within a game preserve established by the Legislature or by the Montana Fish, Wildlife and Parks Commission. It is also unlawful within the limits of a preserve for a person to carry or discharge firearms, create an unusual disturbance to frighten or drive away game animals or birds or to chase game or birds with dogs.

Permits to capture birds or animals for the purpose of propagation or for scientific purposes, to trap fur-bearing animals or to kill certain predatory animals or birds within a preserve may be granted by the FWP director on the payment of a fee and in accordance with rules established for the preserve by the Commission.

Statute: 87-5-401 through 406, MCA

Rule: ARM 12.9.202, 206, 207 and 209

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS  
Wildlife Division

## **IMPORTATION OR INTRODUCTION OF FISH OR FISH EGGS**

### **1. Types of Activities Regulated**

It is unlawful to bring live or dead salmonid fish or eggs into Montana without written certification that the fish are free of diseases as specified in ARM 12.7.502 and a permit from the Montana Department of Fish, Wildlife and Parks (FWP) pursuant to ARM 12.7.505 except for use in home or office aquariums. The department may inspect shipments of imported fish or eggs at any point in the state to ensure compliance with these regulations. The FWP may impound shipments for further testing if reasonable cause exists.

Statute: 87-3-209, 221 and 222, MCA

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS  
Fisheries Division



## IMPORTATION OR INTRODUCTION OF WILDLIFE

### 1. Types of Activities Regulated

- A. It is unlawful to import for introduction or transplant or to introduce any wildlife into Montana without authorization from the Montana Department of Fish, Wildlife and Parks (FWP). Only specified species of wildlife may be approved by the FWP for introduction or transplantation (see 87-5-714, MCA and ARM 12.7.701 for a list of species).
- B. A permit is required from the FWP for the possession or sale of controlled exotic wildlife. It is unlawful to import, possess or sell exotic wildlife unless allowed by law or Montana Fish, Wildlife and Parks Commission rule and the person has received authorization for the importation from the Montana Department of Livestock. Certain facilities and institutions listed in 87-5-709, MCA, are allowed to possess exotic species under specific conditions. Noncontrolled exotic wildlife authorized for possession or sale are listed in 87-5-706, MCA.

Statute: 81-2-701 through 708, 87-3-105 and 87-5-701 through 721, MCA

Rule: ARM 12.7.505

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS  
Wildlife Division

DEPARTMENT OF LIVESTOCK  
Animal Health Division

## MIGRATORY BIRDS

### 1. Types of Activities Regulated

- A. The U.S. Fish and Wildlife Service (USFWS) establishes **laws relating to migratory birds**. Under these regulations, no person is allowed to take, possess, import, export, transport, sell, purchase or barter for any migratory bird, or the parts, nests or eggs of these birds except under the terms of a valid permit. A list of migratory birds as established by the USFWS may be found in 50 C.F.R. § 10.13.

Rule: Migratory Bird Treaty Act, 16 U.S.C. 703-712

Contact: U.S. FISH AND WILDLIFE SERVICE  
Law Enforcement, Billings

- B. Hunting **seasons for migratory game birds** are established by the Montana Department of Fish, Wildlife and Parks (FWP) through Fish, Wildlife and Parks Commission action. The seasons must fall within the federal frameworks established by the USFWS in consultation with the Flyway Councils, states and other interested parties. Persons wishing to hunt migratory game birds must possess the appropriate licenses as described in 87-2-411, MCA. See FISHING, HUNTING AND TRAPPING LICENSES, p. 82.
- C. The FWP may issue an **avicultural permit** for taking, capturing and possessing migratory game birds for the purpose of propagation. The application for the permit must include a copy of the appropriate federal permit or permit application and a \$15 fee.

Statute: 87-2-807, MCA

Rule: ARM 12.6.1801-1804

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS  
Enforcement Division

## NONGAME AND ENDANGERED SPECIES

### 1. Types of Activities Regulated

No person may take, possess, transport, export, process, sell or offer for sale or ship or receive for shipment any species or subspecies of nongame wildlife including species identified by the Montana Department of Fish, Wildlife and Parks (FWP) to be in need of management or listed as endangered by the state or the United States or on the United States list of endangered foreign fish and wildlife.

These species are currently listed as endangered, threatened or in need of management.

#### *U.S. list of endangered species:*

whooping crane,  
black-footed ferret,\*  
pallid sturgeon,  
least tern,  
Kootenai River population of the  
white sturgeon

#### *U.S. list of threatened species:*

bald eagle,  
gray wolf,\*  
grizzly bear,  
piping plover,  
bull trout,  
Canadian lynx,

water howellia,  
Spaulding's catchfly,  
Ute ladies'-tresses

*Montana nongame wildlife in need of management:*

crayfish,  
freshwater mussels,  
yellow perch,  
crappie,  
black-tailed prairie dogs (FWP management applies to public lands only),  
white-tailed prairie dogs (FWP management applies to public lands only).

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\* Certain populations of the black-footed ferret and the gray wolf are classified as nonessential experimental populations and are subject to different regulations.

The exceptions for the taking of endangered species are 1) in emergency situations; and 2) when necessary to prevent property damage or to protect human health if a permit is first obtained from the director of the FWP, and where possible, done by or under the supervision of a department agent. See also federal Threatened and Endangered Species Act below.

The "lawful taking" (see 87-3-118, MCA) of nongame wildlife is specifically provided for in a number of ways, including via a management plan; a zoo/menagerie permit (see ROADSIDE ZOOS, p. 77); a rehabilitation permit; a raptor/falconry permit (see CAPTIVE BREEDING OF RAPTORS, p. 86 and FALCONRY PERMIT, p. 87) or an avicultural permit (see p. 90). The FWP director may permit the taking of endangered species for special purposes such as scientific research or for propagation in captivity.

In response to the exploitation of several nongame species for the pet trade, the 2001 Legislature specifically protected the northern flying squirrel, pika, pygmy rabbit, all native amphibians and all reptiles native to Montana, except the prairie rattlesnake, from removal from the wild for commercial purposes.

In addition, 87-2-103(1)(d) states that it is unlawful for a nonresident to trap or attempt to trap predatory or nongame wildlife without a license.

Statute: 87-5-101, 102, 105 through 109 and 116, MCA

Rule: ARM 12.5.201

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS  
Wildlife Division

## 2. Additional Information

### Federal Threatened and Endangered Species Act

Under the federal Endangered Species Act (ESA), as amended, special protection is provided to a species or its habitat if the species is listed as endangered (in danger of extinction throughout all or a significant portion of its range), or threatened (likely to become endangered in the foreseeable future throughout all or a significant portion of its range).

The ESA requires that all federal agencies, in consultation with the U.S. Fish and Wildlife Service (USFWS) must insure that any action authorized, funded, or carried out by the agency is not likely to jeopardize the continued existence of any threatened or endangered species. Federal agencies involved in major construction actions requiring the preparation of an Environmental Impact Statement are required to request a species list and prepare a biological assessment for the purpose of identifying any endangered or threatened species that is likely to be adversely affected by the action.

The ESA prohibits any person or agency from *taking*<sup>1</sup> any listed species without a special exemption/permit. Species may be added to or removed from the list. Contact the USFWS for current listings.

Statute: 16 U.S.C. 1531-1544 (federal Endangered Species Act of 1973, as amended)

Contact: U.S. FISH AND WILDLIFE SERVICE  
Montana Field Office, Helena

## TAKING FISH OR GAME FOR SCIENTIFIC PURPOSES

### 1. Types of Activities Regulated

A permit is required from the Montana Department of Fish, Wildlife and Parks (FWP) for taking, killing, capturing or possessing certain species for use in scientific studies. The permit holder may only take as many birds, animals or fish as are necessary for the

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<sup>1</sup> To take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect or attempt to engage in these actions.

investigation. A permit may not be granted for any species for which a taking is prohibited by statute or rule.

Statute: 87-2-806, MCA

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS  
Fisheries Division  
Wildlife Division

## **2. Application Requirements**

A person or organization applying for a collection permit for a scientific investigation must submit an application to the FWP. The department may require the applicant to submit a plan of operations that includes the purpose for the collection, the methodology to be employed and the qualifications of the collectors.

## **3. Permitting Procedures**

The FWP may issue a permit with conditions on the time and number of birds, fish or animals that may be collected. The department may deny the permit if it determines: the applicant is not qualified, the collection is not necessary for the investigation, the collection method is not appropriate, the collection may threaten the viability of a species or there is no valid reason for the proposed investigation.

The permit holder is required to submit a report before December 31st that indicates the species, number of individuals taken and the locations of the collections. A permit holder who fails to file a report may be denied another permit.

Permits for collecting fish are not transferable and must be in the possession of the permittee at the time of the collection. Permits expire within the calendar year issued.

## **4. Fees**

There is no fee for a collection permit for an educational institution or government agency. The fee for an individual is \$50.

## USE OF POISON BAIT ON DEPARTMENT LANDS

### 1. Types of Activities Regulated

No 1080 baits can be placed on Montana Department of Fish, Wildlife and Parks lands without written permission from the Montana Fish, Wildlife and Parks Commission.

Statute: 87-1-201 and 301, MCA

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS  
Wildlife Division

## WILD BIRD PERMITS

### 1. Types of Activities Regulated

- A. No person may hunt, capture, kill, possess, purchase, offer or expose for sale or transport any nongame wild bird or part of a wild bird or take or destroy nests or eggs without a certificate or permit from the Montana Department of Fish, Wildlife and Parks (FWP). Exceptions are 1) house sparrows, crows, starlings, magpies, rock doves, blackbirds, (see \* Note) and other species and their eggs or nests designated by the FWP, and 2) possession or transportation of parts or plumage of eagles used for religious purposes by a member of a Native American tribe when permitted by federal law.

\* **Note** Crows, blackbirds and magpies are protected by federal laws, (see MIGRATORY BIRDS, p. 89).

- B. Licenses are required for any person to trap, possess, sell or transfer possession of a raptor or to train a raptor in the practice of falconry. The bald eagle and any species listed under the state or federal endangered species acts may not be captured in Montana for the sport of falconry (see FALCONRY PERMITS, p 87).
- C. The FWP may grant permits for the taking and holding of raptors for captive breeding purposes under certain specific conditions (see CAPTIVE BREEDING OF RAPTORS, p. 86).
- D. A permit is required from the FWP to take, capture or possess a wild bird for the purposes of banding for scientific studies, salvaging birds killed in accidents or collecting abandoned birds' nests for school or museum collections and nursing sick or injured birds.

A person seeking a scientific collection permit, rehabilitation permit, bird banding permit, or salvage permit must first obtain a federal permit from the U.S. Fish and Wildlife Service, Migratory Bird Permit Office in Denver before the state may issue a permit for any of those activities involving birds protected under the federal Migratory Bird Treaty Act.

Statute: 87-5-201 through 210, MCA

Rule: ARM 12.6.1101-1103, 1106, 1109, 1112, 1116, 1118-1130 and 12.9.301

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS  
Enforcement Division  
Wildlife Division